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April 26, 2021

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
Manhattan, New York

Re: *United States v. Otto Salguero Morales*, S5 15 Cr. 379

Dear Judge Castel,

I am writing in response to the Court's Minute Entry for the proceedings on April 12, 2021, which directed the defense to confer with the prosecutors on this case with respect to outstanding discovery and a trial date. Since the status hearing I have consulted with the Government about these matters both by telephone and through an exchange of emails and can report the following to the Court.

By letter dated April 22, 2021, the Government advised that they were providing additional discovery in this case. A portion of the discovery was made available to me immediately via an online portal, but in order to receive the larger, remaining discovery materials, I need to send the prosecutors a USB drive, which will then be returned to me. I have also made a discovery request to the United States for two additional categories of information: (1) the recorded telephone calls and emails obtained in the *Giovanni Fuentes* case; and (2) more particularized information about the details of my client's alleged possession of a firearm as charged in Counts Two and Three of the pending Indictment. I do not believe that the parties can reach a mutually agreeable resolution of these two discovery issues.

As a matter of professional responsibility, I need to receive and review the additional discovery materials that will be provided to me and then discuss them with my client. Until such time as I am able to do so, I will not be able to determine when the defense will be ready to proceed to trial. As I explained to your Honor during the April 12, 2021 status hearing, we intend to investigate certain claims by the Government, but need to be in possession of all the potential discovery in order to formulate an efficient strategy. The Government has advised that it takes no position as to the defense need for additional time before setting a trial date.

Thank you for consideration of this matter.

Respectfully submitted

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